

November 17, 2023

Direct Dial
310.282.6206

Direct Fax
310.785.3506

Email
jgerchik@glaserweil.com

VIA ECF

Hon. Taryn A. Merkl
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Trooper 1 v. NYSP et al.*, 22-cv-893 (LDH) (TAM);
Cuomo v. Boylan, 23-mc-1587 (LDH) (TAM)

Dear Judge Merkl:

We write on behalf of non-party Lindsey Boylan in response to Andrew Cuomo's letter to the Court dated November 14, 2023, regarding Ms. Boylan's prior production of documents to the OAG. As Mr. Cuomo acknowledges in his letter, Ms. Boylan has already produced to Mr. Cuomo all the documents that Ms. Boylan provided to the OAG as part of their investigation. The OAG was satisfied with Ms. Boylan's production and it never sought to obtain any further documents from her and, as it was the OAG's document subpoena not Mr. Cuomo's, the OAG was the relevant decision-maker. Moreover, as we have repeatedly informed Mr. Cuomo's counsel, Ms. Trzaskoma's assertion that "Ms. Perry and Ms. Gerchik further stated that they had not spoken with the other attorney regarding the negotiations with the OAG" during the parties' October 16, 2023, meet and confer is false. Neither Ms. Perry nor I made any such representation during the October 16 meet and confer, and in fact I had spoken with Ms. Boylan's prior counsel regarding the OAG subpoena to Ms. Boylan before then.

Regardless of Mr. Cuomo's opinion of the OAG investigation and its unfavorable findings as to Mr. Cuomo's conduct, as this Court has stated very clearly, Mr. Cuomo is not entitled to a re-do of the OAG investigation. Indeed, Mr. Cuomo's inquiry of Ms. Boylan in this regard is yet another example of Mr. Cuomo's ongoing attempt to vexatiously expand the appropriate scope of non-party discovery in this case.

Accordingly, Mr. Cuomo's request that the Court order Ms. Boylan to provide additional information on this issue should be rejected, and Mr. Cuomo should be directed to refrain from pursuing this discovery sideshow any further in the future. At

November 17, 2023

Page 2

a minimum, we respectfully submit that this request by Mr. Cuomo should fall under the umbrella of all the other non-party discovery Mr. Cuomo has served on Ms. Boylan and other non-parties, and thus also be subject to the non-parties' proposal submitted in the letter request to the Court on November 16, 2023 (Case No. 1:22-cv-00893-LDH-TAM, ECF no. 179).

Respectfully submitted,

A handwritten signature in cursive script, reading "Julie R.F. Gerchik".

JULIE R.F. GERCHIK
for GLASER WEIL FINK HOWARD JORDAN & SHAPIRO LLP

E. DANYA PERRY
for Perry Law